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Attorneys for Defendants Miller, Randall, Bradley and Moller

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

STEPHEN SJURSET, personally and as next  
friend for N.S. and T.B.,

Plaintiffs,

v.

MARY ANNE MILLER, in her individual  
capacity; MARIA RANDALL, in her  
individual capacity; DYAN BRADLEY, in her  
individual capacity; CARYN MOLLER, in her  
individual capacity; CHARLES BUTTON of  
Stayton City Police Department in his  
individual and official capacity; MICHAEL  
MEEKS of Stayton City Police Department in  
his individual and official capacity; SCOTT  
MUMEY of Stayton Police Department in his  
individual and official capacity; and CITY OF  
STAYTON, a municipal entity,

Defendants.

Case No. 6:12-cv-00282-AA

ANSWER AND AFFIRMATIVE DEFENSES

Defendants Miller, Randall, Bradley and Moller (hereinafter the “State Defendants”)

respond to the Complaint as follows:

1.

The State Defendants offer no response to the characterization of the case in paragraph 1.

2.

The State Defendants admit this court has jurisdiction over the subject matter.

3.

The State Defendants acknowledge proper venue.

4.

The State Defendants admit the parentage and birthdates of the minors alleged in paragraph 4 and that Sjurset was made guardian for T.B. January 6, 2011. The State Defendants lack sufficient information to respond to the remainder of the allegations of paragraph 4 and on that basis deny them.

5.

The State Defendants admit the allegations of paragraph 5.

6.

The State Defendants admit that Miller, Randall and Moller were employees of Oregon DHS at all relevant times and that Bradley was a supervisor with Oregon DHS at all material times. All are residents of Oregon. The State Defendants deny the remainder of the allegations of paragraph 6.

7.

The State Defendants lack information sufficient to respond to paragraph 7 and on that basis deny it.

8.

The State Defendants admit that Moller attempted to contact Borchers and Sjurset on February 18, 2010, but deny the remainder of the allegations of paragraph 8.

9.

The State Defendants admit that Moller requested a welfare check on February 19, 2010, but deny the remainder of the allegations of paragraph 9.

10.

The State Defendants deny the allegations of paragraph 10.

11.

The State Defendants admit that DHS took custody of N.S. and T.B. February 20, 2010, but deny the remainder of the allegations of paragraph 11.

12.

The State Defendants deny the allegations of paragraph 12.

13.

The State Defendants deny the allegations of paragraph 13.

14.

The State Defendants admit that a hearing was held in Marion County Circuit Court February 22, 2010, concerning T.B. and N.S. and that Defendant Moller filed a report. The State Defendants deny Plaintiff's characterization of the report and the other allegations of paragraph 14.

15.

The State Defendants lack information sufficient to respond to allegations against other Defendants, and on that basis deny the allegations of paragraph 15.

16.

The State Defendants admit that Randall provided a report to Circuit Court, but deny Plaintiff's characterization of it and the other allegations of paragraph 16.

17.

The State Defendants deny the allegations of paragraph 17.

18.

The State Defendants deny the allegations of paragraph 18.

19.

The State Defendants deny the allegations of paragraph 19.

20.

The State Defendants deny the allegations of paragraph 20.

21.

The State Defendants deny the allegations of paragraph 21.

22.

The State Defendants deny the allegations of paragraph 22.

23.

The State Defendants deny the allegations of paragraph 23.

24.

The State Defendants deny the allegations of paragraph 24.

25.

The State Defendants deny the allegations of paragraph 25.

26.

Except as expressly admitted above, the State Defendants deny each and every allegation of the Complaint.

### **AFFIRMATIVE DEFENSES**

27.

The State Defendants are entitled to Qualified Immunity.

28.

The Plaintiff's case was not commenced within the time limited by statute.

WHEREFORE, the State Defendants pray for judgment in favor of Defendants for costs and disbursements incurred herein.

DATED April 5, 2012.

Respectfully submitted,

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Attorney General

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